

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYLER FORKE,

Defendant.

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8:10CR360

ORDER

This matter is before the court on the motion to continue by defendant Tyler Forke (Forke) (Filing No. 27). Forke seeks a continuance of the trial scheduled for March 28, 2011. Government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Forke's motion to continue trial (Filing No. 27) is granted.
2. Trial of this matter is re-scheduled for **June 6, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 23, 2011, and June 6, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 23rd day of March, 2011.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge